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APPLICATION N	IO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,076		03/21/2000	Masaki Nishiyama	35.C14367	7359
5514	7590	07/15/2003			
FITZPATRICK CELLA HARPER & SCINTO				EXAMINER	
30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KIM, HAROLD J		
				ART UNIT	PAPER NUMBER
				2182	<u> </u>
				DATE MAIL ED: 07/15/2003	$\mathbf{C}$

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Disposaries	·								
Examiner   Harrold Kim   2182   18	6. · i	Application No.	Applicant(s)						
Harold Kim   2182	Office Action Summers	09/532,076	NISHIYAMA, MASAKI						
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examinor from my) a sevaletic under the processors of 3 CFR 1.35(a). In no event, however, may a reply be timely died if the period for myly specified above is less than thiny (30) days, and the period for myly specified above is less than thiny (30) days, and the period for myly specified above is less than thiny (30) days, and the period for myly with the seathory period will appear and will appear (MAINTH) from the mailing date of this communication.  Failure to reply within the sol or extended period for reply will, by detailed, cases the application to become Alth/MCNED (30) U.S.C.§ 1(3).  From the period for myly specified above is less than thiny (30) days, will be considered of this communication.  Failure to reply within the sol or extended period for reply will, by detailed, cases the application to become Alth/MCNED (30) U.S.C.§ 1(3).  From the period of the sol or extended period for reply will, by detailed, cases the application to the communication.  Failure to reply within the sol or extended period for reply will, by detailed, cases the application to become Alth/MCNED (30) U.S.C.§ 1(3).  Responsive to communication(s) filled on @1 August 2000.  Status  1)⊠ Responsive to communication(s) filled on @1 August 2000.  Status  1)⊠ Claim (s) 1-32 Islander pending in the application.  4)② Claim (s) 1-32 Islander pending in the application.  4)② Claim(s) 1-32 Islander pending in the application.  4)② Claim(s) 1-32 Islander pending in the application.  4)② Claim(s) 1-32 Islander pending in the application of the drawing (s) the latter pending application is applicated to by the Examiner.  Application Papers  9)☐ The specification is objected to by the Examiner.  10)② The drawing(s) filled on 21 March 2000 (s/arc. a)☐ accepted or b)☐ objected to by the Examiner.  If approved,	Onice Action Summary								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  - Ederations of from may be available under the provisions of 37 CFR 1.30(a). In no event, however, may a reply be timely filed  - Ederations of from pays be available under the provisions of 37 CFR 1.30(a). In no event, however, may a reply be timely filed  - Ederations of from pays be available under the provisions of 37 CFR 1.30(a). In no event, however, may a reply be timely filed  - If No period for reply is aspectived above, he maximum statutory period will apply and will expire SIX (a) (NOTTES from the mailing date of this communication. Provided from the mailing date of this communication. Provided from the mailing date of this communication. Provided from the mailing date of this communication, and the mailing date of this communication. Provided from the mailing date of this communication, and the mailing date of this communication. Provided from the mailing date of this communication, and the mailing date of this communication. Provided from the mailing date of this communication. Provided from the mailing date of this communication.  - Ederation of the mailing date of this communication. Provided from the mailing date of this communication. Provided from the mailing date of this communication.  - Ederation of this action is FINAL.  - 21) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparts Queyle, 1935 c.D. 11, 453 O.G. 213.  - Disposition of Claims  - A) Claim(s)	The MAII INC DATE of this communication and								
THE MAILING DATE OF THIS COMMUNICATION.  Exteriors of time may be available under the provision of 3 CFR 1 15(6). In no event, however, may a reply be timely filed after SIX (6) MCNTISS from the mailing date of this communication.  It is provided to the provision of the priority under 35 U.S.C. § 119(a)-(d) or (f).  1) [In the proposed drawing correction filed on		ears on the cover sheet with the t	correspondence address						
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-37 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-37 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 21 March 2000 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The cath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some *c) None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-37 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) is/are allowed.  6   Claim(s) is/are allowed.  6   Claim(s) is/are objected to.  8   Claim(s) is/are objected to.  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on 21 March 2000 is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9   The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * c)   None of:  1.   Certified copies of the priority documents have been received.  2.   Certified copies of the priority documents have been received in Application No  3.   Copies of the certified copies of the priority documents have been received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)   The translation of the foreign language provisional application has been received.  15   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)   Interview Summary (PTO-413) Paper No(s)  5   Notice of Informal Patent Application (PTO-152)	1)⊠ Responsive to communication(s) filed on <u>01 A</u>	<u>ugust 2000</u> .							
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Application/Control Number: 09/532,076

Art Unit: 2182

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1, the embodiment 1;

Species 2, the embodiment 2;

Species 3, the embodiment 3;

Species 4, the embodiment 4;

Species 5, the embodiment 5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are clearly seen to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Application/Control Number: 09/532,076

Art Unit: 2182

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 746-7239 for regular communications (for informal or draft communications, please label "PROPOSED" or "DRAFT"), and

(703) 746-7238 for After Final communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is (703) 306-5631.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is (703) 305-1948.

The examiner can normally be reached on Monday-Thursday 6 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301.

Harold J. Kim

Patent Examiner

July 13, 2003/HK

JEFFREY GAFFIN

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100